

1 Juanita R. Brooks (SBN 75934, brooks@fr.com)  
2 Jason W. Wolff (SBN 215819, wolff@fr.com)  
FISH & RICHARDSON P.C.  
12390 El Camino Real  
3 San Diego, CA 92130  
Telephone: (858) 678-5070  
4 Facsimile: (858) 678-5099

5 Jerry T. Yen (SBN 247988, yen@fr.com)  
FISH & RICHARDSON P.C.  
6 500 Arguello Street, Suite 500  
Redwood City, CA 94063  
7 Telephone: (650) 839-5070  
Facsimile: (650) 839-5071

8 Thomas B. Walsh, IV (Admitted pro hac vice, walsh@fr.com)  
9 FISH & RICHARDSON P.C.  
10 5000 Bank One Center, 1717 Main Street  
Dallas, TX 75201  
11 Telephone: (214) 747-5070  
Facsimile: (214) 747-2091

12 Attorneys for GOOGLE INC.

13

14

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

15

GOOGLE INC., AOL LLC, YAHOO! INC.,  
16 IAC SEARCH & MEDIA, INC., and  
LYCOS, INC.,

17

Plaintiffs,

CASE NO. CV 08-03172-RMW

18

**CERTIFICATE OF SERVICE**

19

Judge: Hon. Ronald M. Whyte

20

v.

21

L. DANIEL EGGER, SOFTWARE RIGHTS  
22 ARCHIVE, LLC, and SITE  
TECHNOLOGIES, INC.,

23

Defendants.

24

25

26

27

28

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing documents:

- 3 1. PLAINTIFFS GOOGLE INC., AOL LLC, IAC SEARCH & MEDIA, INC., AND  
4 LYCOS, INC.'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL PLAINTIFFS  
5 GOOGLE INC., AOL LLC, IAC SEARCH & MEDIA, INC., AND LYCOS, INC.'S  
6 OPPOSITION TO DEFENDANTS' MOTION TO DISMISS, TRANSFER, OR STAY UNDER  
7 THE FIRST-TO-FILE RULE, UNDER RULE 12(B)(2) FOR LACK OF PERSONAL  
8 JURISDICTION, AND UNDER RULE 12(B)(1) FOR LACK OF SUBJECT MATTER  
9 JURISDICTION AND CERTAIN EXHIBITS TO DECLARATIONS IN SUPPORT THEREOF

10 2. DECLARATION OF THOMAS B. WALSH, IV IN SUPPORT OF PLAINTIFFS  
11 GOOGLE INC., AOL LLC, IAC SEARCH & MEDIA, INC., AND LYCOS, INC.'S  
12 ADMINISTRATIVE MOTION TO FILE UNDER SEAL PLAINTIFFS GOOGLE INC., AOL  
13 LLC, IAC SEARCH & MEDIA, INC., AND LYCOS, INC.'S OPPOSITION TO  
14 DEFENDANTS' MOTION TO DISMISS, TRANSFER, OR STAY UNDER THE FIRST-TO-  
15 FILE RULE, UNDER RULE 12(B)(2) FOR LACK OF PERSONAL JURISDICTION, AND  
16 UNDER RULE 12(B)(1) FOR LACK OF SUBJECT MATTER JURISDICTION AND  
17 CERTAIN EXHIBITS TO DECLARATIONS IN SUPPORT THEREOF

18 3. [PROPOSED] ORDER GRANTING PLAINTIFFS GOOGLE INC., AOL LLC, IAC  
19 SEARCH & MEDIA, INC., AND LYCOS, INC.'S ADMINISTRATIVE MOTION TO FILE  
20 UNDER SEAL PLAINTIFFS GOOGLE INC., AOL LLC, IAC SEARCH & MEDIA, INC., AND  
21 LYCOS, INC.'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS, TRANSFER, OR  
22 STAY UNDER THE FIRST-TO-FILE RULE, UNDER RULE 12(B)(2) FOR LACK OF  
23 PERSONAL JURISDICTION, AND UNDER RULE 12(B)(1) FOR LACK OF SUBJECT  
24 MATTER JURISDICTION AND CERTAIN EXHIBITS TO DECLARATIONS IN SUPPORT  
25 THEREOF

26 4. NOTICE OF MANUAL FILING OF PLAINTIFF GOOGLE INC., AOL LLC, IAC  
27 SEARCH & MEDIA, AND LYCOS, INC.'S OPPOSITION TO DEFENDANTS' MOTION TO  
28 DISMISS, TRANSFER, OR STAY UNDER THE FIRST-TO-FILE RULE, UNDER RULE  
12(B)(2) FOR LACK OF PERSONAL JURISDICTION, AND UNDER RULE 12(B)(1) FOR  
LACK OF SUBJECT MATTER JURISDICTION

29 5. PLAINTIFF GOOGLE INC., AOL LLC, IAC SEARCH & MEDIA, AND LYCOS,  
30 INC.'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS, TRANSFER, OR STAY  
31 UNDER THE FIRST-TO-FILE RULE, UNDER RULE 12(B)(2) FOR LACK OF PERSONAL  
32 JURISDICTION, AND UNDER RULE 12(B)(1) FOR LACK OF SUBJECT MATTER  
33 JURISDICTION

34 6. [PROPOSED] ORDER DENYING DEFENDANTS' MOTION TO DISMISS,  
35 TRANSFER, OR STAY UNDER THE FIRST-TO-FILE RULE, UNDER RULE 12(B)(2) FOR  
36 LACK OF PERSONAL JURISDICTION, AND UNDER RULE 12(B)(1) FOR LACK OF  
37 SUBJECT MATTER JURISDICTION

38 7. NOTICE OF MANUAL FILING OF EXHIBITS B, D, K, O, R, S, T, U, V, BB, CC, DD,  
39 EE, FF, HH, KK, LL, AND PP TO THE FIRST DECLARATION OF THOMAS B. WALSH, IV

40 8. FIRST DECLARATION OF THOMAS B. WALSH, IV IN SUPPORT OF PLAINTIFFS  
41 GOOGLE INC., AOL LLC, IAC SEARCH & MEDIA, INC., AND LYCOS, INC.'S  
42 OPPOSITION TO DEFENDANTS' MOTION TO DISMISS, TRANSFER, OR STAY UNDER

1 THE FIRST-TO-FILE RULE, UNDER RULE 12(B)(2) FOR LACK OF PERSONAL  
 2 JURISDICTION, AND UNDER RULE 12(B)(1) FOR LACK OF SUBJECT MATTER  
 3 JURISDICTION

4 9. NOTICE OF MANUAL FILING OF EXHIBITS C, E, F, I, J, K, AND L TO THE  
 5 SECOND DECLARATION OF THOMAS B. WALSH, IV

6 10. SECOND DECLARATION OF THOMAS B. WALSH, IV IN SUPPORT OF  
 7 PLAINTIFFS GOOGLE INC., AOL LLC, IAC SEARCH & MEDIA, INC., AND LYCOS,  
 8 INC.'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS, TRANSFER, OR STAY  
 9 UNDER THE FIRST-TO-FILE RULE, UNDER RULE 12(B)(2) FOR LACK OF PERSONAL  
 10 JURISDICTION, AND UNDER RULE 12(B)(1) FOR LACK OF SUBJECT MATTER  
 11 JURISDICTION

12 have been served on all counsel of record via Federal Express on this 24th day of July 2009, as  
 13 follows:

14 Thomas F. Smegal, Jr.  
 15 State Bar No. 34819  
 16 Law Offices of Thomas F. Smegal, Jr.  
 17 One Sansome Street, 35th Floor  
 18 San Francisco, CA 94104  
 19 Telephone: (415) 217-8383  
 20 Facsimile: (415) 399-5093  
 21 Jay D. Ellwanger  
 22 State Bar No. 24036522  
 23 DiNovo Price Ellwanger & Hardy LLP  
 24 P.O. Box 201690  
 25 Austin , Texas 78720  
 26 Telephone: (512) 681-4060  
 27 Facsimile: (512) 628-3410  
 28 Lee L. Kaplan  
 29 State Bar No. 11094400  
 30 (admitted pro hac vice)  
 31 Jeffrey A. Potts  
 32 State Bar No. 00784781  
 33 (admitted pro hac vice)  
 34 Raj Duvvuri  
 35 State Bar No. 24054185  
 36 (admitted pro hac vice)  
 37 Smyser Kaplan & Veselka, L.L.P.  
 38 700 Louisiana, Suite 2300  
 39 Houston, Texas 77002  
 40 Telephone: (713) 221-2323  
 41 Facsimile: (713) 221-2320  
 42 [lkaplan@skv.com](mailto:lkaplan@skv.com)

43 Attorneys for Defendants L. DANIEL EGGER,  
 44 SOFTWARE RIGHTS ARCHIVE, LLC, and  
 45 SITE TECHNOLOGIES, INC.

46 Michael A. Jacobs (CA Bar No. 111664)  
 47 Richard S.J. Hung (CA Bar No. 197425)  
 48 MORRISON & FOERSTER  
 49 425 Market Street

1 San Francisco, CA 94105  
2 Telephone: 415-268-7000  
3 Facsimile: 415-268-7522  
4 Email: mjacobs@mofo.com

5 Attorneys for Plaintiff YAHOO! INC.

6 Jennifer A. Kash (CA Bar No. 203679)  
7 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
8 555 Twin Dolphin Drive, Suite 560  
9 Redwood Shores, CA 94065  
10 Telephone: (650) 801-5000  
11 Facsimile: (650) 801-5100  
12 Email: claudestern@quinnmanuel.com  
13 Email:jenniferkash@quinnmanuel.com

14 Attorneys for Plaintiffs IAC SEARCH & MEDIA, INC. and LYCOS, INC.

15 I declare under penalty of perjury that the above is true and correct. Executed on July 24,  
16 2009, at Redwood City, California.

17 /s/ Janel M. Pearson

18 Janel M. Pearson

19

20

21

22

23

24

25

26

27

28